

ESTTA Tracking number: **ESTTA226939**

Filing date: **07/29/2008**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92049676
Party	Plaintiff Paramount Bed Company, Limited
Correspondence Address	Amy J. Benjamin Darby & Darby PC 250 Greenwich Street New York, NY 10007 UNITED STATES tmdocket@darbylaw.com, abenjamin@darbylaw.com, ssaxon@darbylaw.com
Submission	Other Motions/Papers
Filer's Name	Amy J. Benjamin
Filer's e-mail	tmdocket@darbylaw.com, abenjamin@darbylaw.com, ssaxon@darbylaw.com
Signature	/amy j. benjamin/
Date	07/29/2008
Attachments	01630301.PDF (5 pages)(65136 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

PARAMOUNT BED COMPANY, LIMITED,	X	
	:	
Petitioner,	:	Cancellation No. 92049676
	:	(Registration No. 1,542,562)
v.	:	
	:	
SIMMONS COMPANY,	:	
	:	
Respondent.	:	
	X	

NOTIFICATION OF FAILURE OF SERVICE

Pursuant to 37 C.F.R. §2.111(b), Petitioner, Paramount Bed Company, Limited (“Petitioner”), hereby notifies the Board that service on Respondent Simmons Company failed. Attached at Exhibit 1 is a copy of the envelope in which the Petition to Cancel was mailed to Respondent which was marked “Return to Sender. Not Deliverable as Addressed,” by the U.S. Postal Service.


As stated in paragraphs 4-6 of the Petition to Cancel, Petitioner believes that the actual owner of Registration No. 1,542,562 is Dreamwell, Ltd. (“Dreamwell”), although TARR shows Simmons Company as the current owner of record. As shown on the Certificate of Service attached to the Petition to Cancel, Petitioner also served Dreamwell at its last known address.

As a result of an investigation, Petitioner has learned of the following alternate address for Respondent Simmons Company: One Concourse Parkway, Suite 800, Atlanta, Georgia 30328-6188.

Date: July 29, 2008

Respectfully submitted.

DARBY & DARBY PC

By: 

Amy J. Benjamin
7 World Trade Center
250 Greenwich Street
New York, New York 10007
Tel: 212-527-7700
Fax: 212-527-7701

*Attorneys for Petitioner
Paramount Bed Company, Limited*

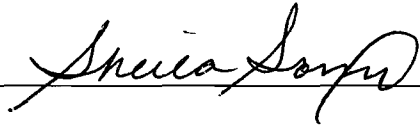
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing NOTIFICATION OF FAILURE OF SERVICE was served via first class mail, postage prepaid, this 29th day of July 2008 upon Respondent at the following address:

Simmons Company
One Concourse Parkway
Suite 800
Atlanta, Georgia 30328-6188.

and upon Dreamwell, Ltd. at the following address:

Dreamwell, Ltd.
2325 Renaissance Drive
Suite B
Las Vegas, Nevada 89119-6144



A handwritten signature in cursive script, appearing to read "Shelia Lopez", is written over a horizontal line.

EXHIBIT 1

**DARBY &
DARBY**
PROFESSIONAL CORPORATION

INTELLECTUAL PROPERTY LAW

7 WORLD TRADE CENTER
250 GREENWICH STREET
NEW YORK, NY 10007-0042

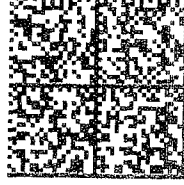


RECEIVED

2008 JUL 28 P 2:10

Simmons Company
6 Executive Park Drive, N.E.
Atlanta, Georgia 30329

not at this address



047J82008532

\$00.420

07/11/2008

Mailed From 10001

US POSTAGE

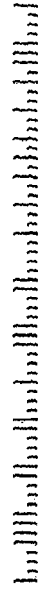
NIXIE 300 CE 1 22 07/24/08

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

BC: 10007004242

*0645-12742-12-28

3032932205 0922 100696042



ACB